

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.
APR 12 P 3 48

SUSAN GALE,
Plaintiff

VS.

UNUM LIFE INSURANCE COMPANY,
Defendant

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CIVIL ACTION
NO. 03 CV 12601-RGS

AFFIDAVIT OF DOUGLAS C. DUFAULT, JR.

I, Douglas C. Dufault, Jr., Esquire, having personal knowledge to the facts set forth herein, do hereby depose and state as follows:

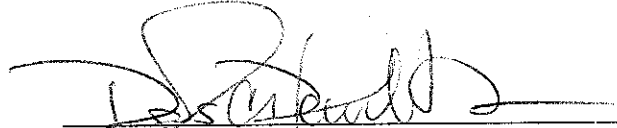
1. I am counsel for the above-captioned Plaintiff, and remain in good standing to practice before the courts of Massachusetts and Rhode Island.
2. On or about December 18, 2003, I filed the Complaint in the above-captioned action via first class mail, which Complaint was docketed on December 24, 2003.
3. On or about January 6, 2004, I forwarded to the Suffolk County Sheriff's Office the Summons, Complaint and Civil Cover Sheet (with copies) to be served upon CT Corporation System, as registered agent of the Defendant and as listed with the Corporations Division of the Secretary of the Commonwealth's office. A copy of that letter is attached hereto as "Exhibit A".

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4. Thereafter, on or about February 25, 2004, I contacted the Suffolk County Sheriff's Office with respect to the status of service upon the Defendant and was informed that service had been made on February 17, 2004, but that the Sheriff's Office was behind in mailing their Returns of Service.
5. On or about March 28, 2004, I received a copy of the Sheriff's Return of Service and invoice indicating "Diligent Search/Unable to Proceed", a copy of which is attached hereto as "Exhibit B". Upon further inquiry, the Deputy Sheriff informed that CT Corporation System had refused acceptance of service on behalf of the Defendant.
6. Subsequently, through further investigation with the Secretary of the Commonwealth's office, it has been learned that the Defendant has withdrawn from doing business in Massachusetts, and that its Certificate of Withdrawal filed with the Secretary of the Commonwealth on June 25, 2003 was approved on June 26, 2003. A copy of the approved Certificate of Withdrawal is attached hereto as "Exhibit C".
7. Plaintiff is now attempting to effectuate service upon the Defendant through the office of the Commissioner of Insurance and via the Massachusetts Long Arm Statute, but is unsure whether service of process will be effectuated by April 22, 2004, the expiration of the 120 day return date.

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The above facts are true and accurate to the best of my knowledge. Subscribed and sworn to under the pains and penalties of perjury this 12th day of April, 2004.

A handwritten signature in dark ink, appearing to read "D. Dufault", is written over a horizontal line.

Douglas C. Dufault, Jr. (#561295)
DOUGLAS C. DUFAULT, JR., P.C.
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